



Washington State
Department of Health
Board of Osteopathic Medicine and Surgery
Meeting Minutes
April 2, 2004

The meeting of the Washington State Board of Osteopathic Medicine and Surgery was called to order by Daniel Dugaw, DO, Chair, at 9:00 am. The meeting was held at: St. Francis Hospital, 34515 9th Avenue South, Board Room, Federal Way, Washington.

Board Members Present: Daniel Dugaw, DO, Chair
Thomas Shelton, DO
Thomas Bell, DO
Ralph Monteagudo, DO
Mark Hunt, DO
William Gant, Public Member

Staff Present: Arlene Robertson, Program Manager
Holly Rawnsley, Program Manager
Mark Brevard, Assistant Attorney General
Judy Young, Staff Attorney
Peter Harris, Staff Attorney

Open Session

1. Call to Order
 - 1.1 Approval of Agenda
The agenda was approved as published.
 - 1.2 Approval of Minutes - January 23, 2004
The January 23, 2004 meeting minutes were reviewed and approved.
2. (*Open Session*) Settlement Presentations
(*Closed Session*) Statement of Allegations/Stipulations to Informal Disposition
(*Presentations are contingent upon agreements being reached between the parties prior to a board meeting.*)

There were no settlement or stipulation to informal disposition presentations at this time.

3. Practice Standards/Scope of Practice

3.1 Disposal of Medical Records when Physician Office is Closed

3.1.1 Draft guidelines

ISSUE

As requested at the last meeting, staff obtained additional information from Physician's Insurance about the length of time records must be maintained by its policy holders. Staff also reviewed criteria from the Health and Human Services Web page regarding medical record retention requirements under the Health Insurance and Accountability Act of 1996 (HIPAA).

ACTION

The draft policy was reviewed and approved. The policy will be included in the Board's next law book and also included on the Web page.

3.2 Office Based Surgery

Review of input received by the Medical Quality Assurance Commission from the public

ISSUE

Input gathered in response to the public meetings held by the Medical Quality Assurance Commission was reviewed. It was noted that this is a challenging issue because the Board only has jurisdiction over the practitioner, not the facility. The issue is also complicated by the various types of practitioners that may be involved, the variation of procedures and the evolution of the standard of care over time.

ACTION

The Board determined to continue to monitor the issue.

3.3 Expert Medical Solutions

Request from a pathology laboratory in another state regarding licensure requirements to diagnose slides and bill for services for Washington state patients.

3.3.1 1999 response to similar request

ISSUE

This request involves an out-of-state physician interpreting slide results and billing for services to Washington state patients.

ACTION

The issue was discussed and determined, provided there is no patient contact or direct consultation with the patient, interpretation of slides would fall under RCW 18.57.040 Licensing Exemptions. Since the physician interpreting the slides would have no patient contact, the patient's osteopathic physician in Washington would ultimately be responsible and accountable for the diagnosis and treatment of the patient.

4. Licensure Issues

- 4.1 Physician Assistant Program - University of Medicine and Dentistry of New Jersey
Consider approval of program

ISSUE

Review whether the University of Medicine and Dentistry of New Jersey physician assistant program meets the criteria for approval.

ACTION

The program was approved.

5. Rules Reviews

- 5.1 Osteopathic Physician Assistant Rules - WSR 03-17-056
Draft rules with suggested language changes
- 5.1.1 WAC 246-854-020 Osteopathic physician assistant program
 - 5.1.2 WAC 246-854-080 Osteopathic physician assistant licensure
 - 5.1.3 WAC 246-854-090 Osteopathic physician assistant practice plan
 - 5.1.4 Osteopathic/Medical Comparison Chart with proposed changes

ISSUE

Draft language which incorporated the proposed changes was provided for review.

ACTION

Mr. Brevard provided language modifications which clarified several issues. Staff will obtain drafts with the changes from the Code Reviser to send to the interested parties for comments. The next step will also include doing the significant analysis and small business impact statement.

- 5.2 Osteopathic Physician Assistant Rules - WSR 98-07-078
Draft rule with suggested language changes

5.2.1 WAC 246-854-030 Osteopathic physician
assistant prescriptions

ISSUE

The prescriptive rule was modified to incorporate the revised supervisory criteria as well as the ability to prescribe Schedule II controlled substances. All of the rules should be changed so the requirements are consistent throughout.

ACTION

Modifications were made for clarification purposes. Drafts will be obtained for mailing and the significant analysis and small business impact statement will also be prepared during the next phase.

6. Federation of State Medical Boards - Proposed Resolutions

6.1 Oversight of USMLE Step 2 clinical Skills Examination
Submitted by the State Medical Board of Ohio for
consideration at the 2004 annual meeting

6.2 FCVS Recognition by JACAHO AND NCQA
Submitted by the State Medical Board of Ohio for
consideration at the 2004 annual meeting

6.3 Resolution on International Medical Schools
Submitted by Iowa Board of Medical Examiners for
consideration at the 2004 annual meeting

ISSUE

The proposed resolutions were discussed.

ACTION

The Board directed Dr. Monteagudo, as voting delegate, to represent the Board's interests.

7. Federation of State Medical Boards - Proposed Amendments to
Federation Bylaws

Review proposals to be considered at 2004 annual meeting

ISSUE

The proposed amendments did not make any significant changes.

ACTION

Dr. Monteagudo was instructed to support the amendments.

8. Program Manager Reports

8.1 Budget Report

Ms. Robertson reported that despite some lags in posting, the budget balance was still improving.

8.2 Board Activity and Disciplinary Report for 2003

Ms. Robertson provided the annual board report for review. The statistics show the number licensees has increased over the past year. Total complaints were up from 2002 which resulted in more investigations being conducted. Although board actions did not increase, there are several in process that have not been completed.

8.3 Washington Physicians Health Program - February 2004
Statistical Information

The statistical information was shared with the Board. There has been an increase in the number of participants in the program.

9. Executive Director Reports

There was no Executive Director report.

Closed Session

10. Disciplinary Case Reviews - Reviewing Board Member Reports

<u>CASE NUMBER</u>	<u>CASE DISPOSITION</u>
2003-01-0003OP	Closed no cause for action; Evidence does not support a violation.
2003-07-0001OP	Closed no cause for action; Evidence does not support a violation.
2003-08-0005OP	Issue a statement of charges.
2003-09-0002OP	Closed no cause for action; Evidence does not support a violation.
2003-10-0001OP	Closed no cause for action; No violation determined.
2003-11-0003OP	Closed no cause for action; Evidence does not support a violation.
2003-12-0005OP	Closed no cause for action; Failure to sign whistleblower release.
2003-12-0007OP	Closed no cause for action; Evidence does not support a violation.
2003-11-0005OP	Closed no cause for action; Evidence does not support a violation.
2003-06-0004OP	Closed no cause for action; Risk minimal and not likely to reoccur.

2003-08-0006OP Closed no cause for action; Failure to sign
 whistleblower release.
2004-03-0004OP Close below threshold.
2004-03-0005OP Close below threshold.
2004-03-0001AC Applicant; issue license.

CLOSED BELOW THRESHOLD SINCE 10/10/03

2003-09-0001OP
2003-09-0007OP
2003-11-0006OP
2003-12-0003OP
2003-12-0004OP
2003-12-0011OP
2004-01-0002OP
2004-02-0001OP
2004-02-0005OP

11. Compliance Reports

There were no compliance reports.

12. Application Review

One osteopathic physician application and two physician
assistant applications were considered and approved.

The meeting was adjourned at 1:00 p.m.

Respectfully Submitted

Arlene A. Robertson
Program Manager

NOTE: PLEASE VISIT OUR WEB SITE FOR FUTURE AGENDAS AND MINUTES.
WWW.DOH.WA.GOV, GO TO LICENSING AND CERTIFICATION AND YOU
WILL FIND A LIST OF THE HEALTH PROFESSIONS, GO TO
OSTEOPATHIC PHYSICIANS FOR AGENDAS AND MINUTES.

Minutes for the Board of Osteopathic Medicine and Surgery meeting dated April 2, 2004 were reviewed and approved at the June 4, 2004 board meeting.

Signature on File

Daniel Dugaw, DO, Chair